THE HON'BLE SRI JUSTICE D.S.R.VARMA

AND

THE HON'BLE SRI JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION NO.24244 OF 2005

Dated: 05th June, 2006

Between:

Kum. N.S.Anusha

… Petitioner

and

1. The Station House Officer, III Town Police Station,

Visakhapatnam, Visakhapatnam District

and 5 others

… Respondents

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ORAL ORDER: **(per the Hon'ble Sri Justice D.S.R.Varma)**

The present Writ Petition was taken up basing on a petition addressed to the Hon'ble the Chief Justice of Andhra Pradesh High Court by one Kum

N.S.Anusha, D/o. N.V.Ramana, D.No.52-14-37/A, Resapuvanipalem, Near Bullayya College, Visakhapatnam.

2. The allegations in the said petition are that there was a “Durga Devi Temple” situated opposite to the house of the petitioner and another temple “Sivalayam” situated at a distance of 20 feet from Durga Devi Temple; that certain illegal and mischievous acts have been allegedly done by the temples’ authorities and that the construction of the temples itself was unauthorised and no steps had been taken by the concerned authorities to stop the said illegal constructions. Her further grievance is that despite the judgments rendered by the apex Court, loudspeakers and vehicular horns are being used in both day and night times. Because of these high decibel sounds, the health of the petitioner’s father was under jeopardize.

3. In response to the notices in the said writ petition, issued by this Court, a counter-affidavit had been filed by the Sub Inspector of Police, III Town Police Station, Visakhapatnam, denying the allegations in the said petition. However, it is stated that during Harathi time, mikes will be used in a low voice, as stated by the temples’ authorities, to avoid inconvenience to the public in the vicinity of the temples. It is further stated that he personally conducted enquiries and statements of the public also have been recorded and a detailed report has also sent to the second respondent (Commissioner of Police, Visakhapatnam). It is further alleged that there were some disputes between the temples’ authorities and the father of the petitioner. A complaint also has been made against the father of the petitioner, which was registered as Crime No.385 of 2005 for the offences punishable under Sections 290, 352, 323 and 506 I.P.C., and Section 156 (3) Cr.P.C., and the same is pending.

4. It is further stated in the said counter-affidavit that the second respondent issued suitable directions to all the Station House Officers in Visakhapatnam City to follow the guidelines issued by the Hon’ble Supreme Court with regard to the using of loudspeakers and vehicular horns. The further assertion in the said counter-affidavit is that all possible steps are being taken to stop sound pollution emanating from the loudspeakers.

5. In view of the said facts and the assertive statement made by the first respondent (Station House Officer, III Town Police Station, Visakhapatnam), we do feel that there is no need to issue any further directions.

6. It is needless to say that implementation of the directions, said to have been issued by the second respondent, should be monitored from time to time.

7. Accordingly, the Writ Petition is closed. However, there shall be no order as to costs.

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D.S.R.VARMA, J

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P.SWAROOP REDDY, J

05th June, 2006.

Ak/Krk

THE HON'BLE SRI JUSTICE D.S.R.VARMA

AND

THE HON'BLE SRI JUSTICE P.SWAROOP REDDY

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TAKEN UP WRIT PETITION NO.24244 OF 2005

(Order of the Division Bench

delivered by

the Hon'ble Sri Justice D.S.R.Varma)

05th June, 2006.